

REMARKS

The office action has been carefully considered together with the prior art that has been cited and applied and amendments have again been made to claims 32 and 42 in an effort to more accurately define the present invention and to emphasize pre-existing differences between the prior art and the invention as claimed. With these amendments, it is now believed that the rejected claims are in condition for allowance.

Claims 32 and 42 have again been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The examiner has suggested amendments which presumably will overcome this rejection, and applicants have made the suggested amendments. It is believed that this rejection has been traversed.

The examiner has again rejected independent claims 32 and 42 under 35 U.S.C. 102(b) as being anticipated by Clark, as well as by the Japanese 202 patent.

It is believed that neither of these references anticipate claims 32 and 42 as now amended. With regard to Clark, it is noted that the examiner has omitted the highly questionable statement from the prior Clark anticipation rejection of "it is noted that a releasing force is applied to the foot via elements 126, 36, 32, 38." However, nothing is set forth in the new Clark rejection that deals with a releasing force at all. Since an anticipation rejection requires a single reference to meet all elements of the claim, it is believed that the examiner has failed to make a *prima facie* rejection because of this glaring omission.

In the examiner's response to applicant's arguments, the examiner states that "Given the broadest and reasonable interpretation of the claims, Clark does teach a circular saw. In addition, the detent of Clark can be disengaged from one of the position recesses when a force is applied to the foot to move the foot. For example, an operator can disengage the detent from the position recess while applying a force to the foot to reposition the saw assembly including the foot on a support surface." Applicant disputes that this is a reasonable interpretation of the Clark reference. Given that the foot is stated to be the legs 22, this interpretation is not only far from reasonable, but is bizarre.

However, accepting for the sake of argument that this is a reasonable interpretation, applicant has amended claim 32 to distinguish Clark by the recitation that now concludes the claim, namely, "said detent being disengaged from one of said position recesses when said foot is moved responsive to a user applying a releasing force to said foot without initiating any other action." Claim 42 is similarly amended with the language "said detent being disengaged from one of said position recesses as a direct result of a user applying a releasing force to said foot which moves said foot without any other action."

With regard to the anticipation rejection based upon the Japanese '202 patent, it is believed that these amendments to claims 32 and 42 also distinguish over the '202 patent. The only way that the Japanese 202 patent is disengaged is when the detent 11 is pushed in (to the right as shown in FIG. 6) so that the transverse ridges 14 shown in FIGS. 6 and 7 are released from the recesses 13, thereby permitting the desired ability to change the depth of cut of the blade 4.

It is hoped that the examiner will favorably consider this latest attempt to place claims 32 and 42 in condition for allowance and such action is respectfully requested.

Since the dependent claims necessarily include the features of the claims from which they depend, and in addition recite other features and/or functionality, it is believed that the pending dependent claims are in condition for allowance.

For all of the foregoing reasons, applicants respectfully request reconsideration and allowance of all unallowed claims. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By 
Roger D. Greer
Registration No. 26,174

February 28, 2008

300 South Wacker Drive, Suite 2500
Chicago, Illinois 60606
(312) 360-0080
Customer No. 24978